

H. Res. 821

In the House of Representatives, U.S.,

October 7 (legislative day, October 6), 2004.

Whereas Dylan Benwell, a 9-year-old lawful permanent resident with an application pending for United States citizenship, was taken from his home in Winthrop Harbor, Illinois, on July 22, 2004, by his maternal grandparents, Timothy and Ethel Blake, both of whom are citizens of Ireland;

Whereas Dylan and his mother once lived in Ireland with his maternal grandparents;

Whereas Dylan has legally remained in the sole custody of his mother Serena Benwell, and adoptive father, John Benwell, after a Virginia juvenile district court ruled on December 14, 2001, that Dylan should remain in the custody of his mother and stepfather;

Whereas Dylan and 3 of his siblings have been adopted by John Benwell, a United States citizen;

Whereas Dylan and his 5 brothers and sisters are a part of a caring and loving family;

Whereas Ethel Blake attempted to kidnap Dylan in 1999 from his kindergarten class in Virginia, and was charged with domestic battery upon John Benwell;

Whereas on July 16, 2001, Dylan told a Virginia social worker that he did not want to live in Ireland again with his

grandparents and that he wished to live in the United States with his immediate family;

Whereas on November 29, 2001, Dylan told a social worker with Winthrop Harbor Schools, in Illinois, that he wanted to live with his mother, stepfather, and siblings and he also expressed worries that his grandparents might try to take him away again;

Whereas on December 6, 2001, after an individual session with Dylan, a social worker with the Great Lakes Naval Hospital reported to the Virginia juvenile district court that Dylan feared his grandparents after the first kidnapping attempt, after explaining that he did not wish to live with his grandparents because he had no friends to play with in Ireland, and implying that his grandparents spent a large part of their time drinking beer;

Whereas in recorded telephone conversations in the possession of the police department of Winthrop Harbor, Illinois, Dylan told Timothy Blake that he did not want to live with the Blakes in Ireland;

Whereas in 2001, a petition for the return of Dylan from the United States to Ireland, filed by Timothy and Ethel Blake in accordance with the Hague Convention on the Civil Aspects of International Child Abduction, signed at The Hague on October 25, 1980 (TIAS 11670) (“Hague Convention”), was rejected by a United States court which held that the Blakes had no custodial rights to Dylan upon relocation of the child’s mother to the United States with her American husband;

Whereas Timothy and Ethel Blake succeeded in kidnapping Dylan from his home in Illinois 5 years after the initial attempt in Virginia, and have shown little concern for the

trauma that the abduction of Dylan has caused their other grandchildren;

Whereas warrants for the arrest of Timothy and Ethel Blake on charges of aggravated kidnapping, a felony, have been issued by the State of Illinois and United States officials have filed a Hague Convention petition for custody of Dylan on behalf of the Benwell family;

Whereas the Congress, in 1932, enacted the first Federal kidnapping statute, in response to the kidnapping and murder of the infant son of Charles Lindbergh;

Whereas the Congress recognizes the gravity of international child abduction and enacted the International Parental Kidnapping Crime Act of 1993 (adding section 1204 to title 18, United States Code), the Parental Kidnapping Prevention Act of 1980 (adding section 1738A to title 28, United States Code, and section 463 to the Social Security Act), and substantial reform and reporting requirements for the Department of State through foreign relations authorization Acts for the fiscal years 1998 through 2001;

Whereas the United States is a contracting party to the Hague Convention, and adopted effective implementing legislation in the International Child Abduction Remedies Act (42 U.S.C. 11601 et seq.);

Whereas Ireland is a contracting party to the Hague Convention and adopted legislation for the implementation of the Act under the Child Abduction and Enforcement of Custody Orders Act (S.I. No. 235/1991); and

Whereas the Hague Convention establishes reciprocal rights and duties between and among its contracting states to expedite the return of abducted children to their states

of habitual residence, and to ensure that the custodial and parental access rights of one contracting state are effectively respected in other contracting states: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the abduction of Dylan Benwell from his home in the United States, the country of his custodial mother's domicile;

(2) commends the actions taken by the Office of Children's Issues of the Department of State and the United States Embassy in Dublin, Ireland;

(3) commends the hard work and dedication of the police department of Winthrop Harbor, Illinois, especially that of Detective Sergeant Tim Borowski;

(4) calls on the Government of Ireland to recognize that the safety and welfare of Dylan are the foremost concern;

(5) urges the Government of Ireland to recognize the decision of the Virginia juvenile district court;

(6) calls upon the Government of Ireland to recognize that this matter does not pertain to the custodial rights of Dylan's maternal grandparents, a matter already decided by the courts, and instead relates to a violation of United States law and the Hague Convention on the Civil Aspects of International Child Abduction,

signed at The Hague on October 25, 1980 (TIAS 11670) (“Hague Convention”);

(7) urges the Government of Ireland not to reward or condone the unlawful action of Timothy and Ethel Blake, two Irish nationals, by keeping Dylan from his family; and

(8) urges the Government of Ireland to recognize that as a matter of international law under Article 1 of the Hague Convention, the Government of Ireland is required to secure the prompt return of Dylan, on the basis that Dylan was wrongfully removed from his home in the United States, a contracting state to the Convention.

Attest:

Clerk.